

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION**

**Call to Order:** By **CHAIRMAN JOAN ANDERSEN**, on February 21, 2003  
at 3:00 P.M., in Room 137 Capitol.

#### **ROLL CALL**

**Members Present:**

Rep. Joan Andersen, Chairman (R)  
Rep. Kathleen Galvin-Halcro, Vice Chairman (D)  
Rep. Larry Lehman, Vice Chairman (R)  
Rep. Norman Ballantyne (D)  
Rep. Norma Bixby (D)  
Rep. Gary Branae (D)  
Rep. Nancy Fritz (D)  
Rep. Carol Gibson (D)  
Rep. Verdell Jackson (R)  
Rep. Bob Lake (R)  
Rep. Joe McKenney (R)  
Rep. Clarice Schrumpf (R)  
Rep. Pat Wagman (R)

**Members Excused:** Rep. Bob Lawson (R)

**Members Absent:** None.

**Staff Present:** Eddy McClure, Legislative Branch  
Mari Prewett, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed. The time stamp in these minutes appears at the end of the content it refers to.

**Committee Business Summary:**

Hearing & Date Posted: HB 630, 2/14/2003; HB 685,  
2/18/2003; HB 704, 2/19/2003  
Executive Action: SB 96

**HEARING ON HB 630**

**Sponsor:** REP. ALAN OLSON, HD 8, Roundup

**Opening Statement by Sponsor:**

REP. OLSON stated that HB 630 was short, sweet and to the point. He went on to say that the purpose of the bill was to make sure that any extra money generated from the school trust lands would be deposited in the school flexibility account. REP. OLSON pointed out that the money in the school flexibility account could be equally distributed to all of the schools in the State.

**Proponents' Testimony:**

Linda McCulloch, Superintendent of Public Instruction, spoke in support of HB 630. Ms. McCulloch provided a copy of her written testimony, attached hereto as Exhibit 1.

**EXHIBIT (edh39a01)**

Jason Theilman, Chief Deputy Secretary of State, stated that Secretary of State Bob Brown had requested he attend the hearing and express his strong support for HB 630. He went on to say that HB 630 was an effort to make certain that all aspects of Montana, both education and resources, worked together to promote a better educational system in Montana. He continued that passage of HB 630 would go a long way in that doing that. Mr. Theilman explained that HB 630 was a cooperative effort to provide more funds to the schools and more resource jobs.

Lance Melton, Montana School Boards Association (MSBA), stated that MSBA supported HB 630 and asked for the Committee's support.

Eric Feaver, MEA/MFT, stated that MEA/MFT supported HB 630.

ROY Andes, MonTrust (Montanans for Responsible Use of the School Trust), stated that they offered their strong support for HB 630.

Ellen Engstedt, Montana Wood Products Association, stated that she was there to support HB 630. She continued that the Montana Logging Association had asked her to express their support of HB 630 to the Committee.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

**REP. OLSON** stated that he felt the bill would give the Land Board the incentive to work with resource industries, and get more development going on school trust lands, the lands that were set aside to fund education in Montana. **REP. OLSON** went on to say that HB 630 was a good bill and urged the Committee to support the bill.

**HEARING ON HB 704**

**Sponsor:** **REP. DAVE KASTEN, HD 99, Brockway**

**Opening Statement by Sponsor:**

**REP. KASTEN** stated that his goals for HB 704 were to give small frontier schools the ability to survive, enable schools to use scarce funds more efficiently, to increase choice for students and families, retain high quality education in Montana, and give the teachers more flexibility to teach Montana's children. **REP. KASTEN** talked to the Committee about the different needs of children from different backgrounds, using the American Indian as an example. He went on to explain that he felt there was a need to increase family choice in education. **REP. KASTEN** pointed out the need to create new channels of communication for parents, teachers, and community members to create new, innovative, and more flexible ways to educate Montana's children.

**REP. KASTEN** walked the Committee through HB 704 Section by Section pointing out the key elements.

**Proponents' Testimony:**

**Bobbi Rossignol, Lolo, Montana**, stated that she was there to support HB 704. **Ms. Rossignol** read from her written testimony, attached as Exhibit 2. **Ms. Rossignol** provided a copy of an article written by United States Senator Joe Lieberman from which she read a portion, attached as Exhibit 3.

**EXHIBIT (edh39a02)**

**EXHIBIT (edh39a03)**

**Opponents' Testimony:**

**Lance Melton, Montana School Boards Association (MSBA)**, stated that he was there in opposition of HB 704. **Mr. Melton** provided the Committee with two handouts. One being a Board of Public Education Charter School Rule, Exhibit 4, and the other a copy of an Order and Decision from the First Judicial District Court, Lewis and Clark County, Montana Board of Public Education vs. Montana Administrative Code Committee, Exhibit 5.

**EXHIBIT (edh39a04)**

**EXHIBIT (edh39a05)**

**Mr. Melton** advised the Committee that there was already a policy in place to allow schools to apply to become charter schools. He referred the Committee to Exhibit 4 and explained the criteria by which a school could apply to become a charter school.

**Mr. Melton** then talked to the Committee about the District Court case, Montana Board of Public Education vs. Montana Administrative Code Committee, referring to Exhibit 5. **Mr. Melton** further discussed the unconstitutionality and legal aspects of the bill.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 31.5}*

**Dave Puyear, Montana Rural Education Association (MREA)**, informed the Committee that he opposed HB 704. **Mr. Puyear** expressed his concerns regarding the controversy surrounding the bill, the accountability problems related to the bill, and the timing of the bill being presented.

**Jeff Weldon, Office of Public Instruction (OPI)**, stated that the Superintendent of Public Instruction was opposed to HB 704. He discussed the rule already in place that would allow Charter Schools. **Mr. Weldon** informed the Committee that OPI supported Mr. Melton and MSBA's stand on HB 704.

**Eric Feaver, MEA/MFT**, stated that they believed that there was plenty of choice in Montana's schools. He went on to say that the assumption of Charter Schools being better than the public schools could not be proven by any data that was available. **Mr. Feaver** pointed out to the Committee that there were no boundaries defining who could apply for charter school status. **Mr. Feaver** reiterated previous testimony regarding the permissibility of charter schools that already existed. He went on to express his concern for the number of bills being presented this session that were trying to do away with teacher certification.

**Mr. Feaver** pointed out to the Committee that HB 704 referred to the fact that the charter school applications would say that there would be no collective bargaining, which would waive Chapter 31. Mr. Feaver provided the Committee with a copy of the table of contents for Chapter 31, "Collective Bargaining for Public Employees," attached as Exhibit 6. He then explained to the Committee that the bill would allow teachers to organize but not allow them to bargain or arbitrate.

**EXHIBIT (edh39a06)**

**Mr. Feaver** informed the Committee that he strongly opposed state funding for the program. He continued that MEA/MFT wholeheartedly opposed HB 704.

Written testimony from Rob Natelson in opposition to HB 704 was handed out to the Committee, attached as Exhibit 7.

**EXHIBIT (edh39a07)**

Informational Testimony: None

Questions from Committee Members and Responses:

**REP. LAKE** asked Ms. Rossignol if she knew how many home schooled students would participate in a charter school program. **Ms. Rossignol** replied that she only knew of 12 kids that would go to a charter school.

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 25.4}*

**REP. LAKE** asked Jeff Weldon to explain what was wrong with the school system that was driving people to other alternatives. **Mr. Weldon** responded that he felt the reasons depended on the individuals.

**REP. JACKSON** asked **REP. KASTEN** if he knew what the differences in approaches to discipline would be between the public schools and charter schools. **REP. KASTEN** replied that he did not. **REP. KASTEN** deferred to Mr. Melton. **Mr. Melton** stated that since the bill specifically exempted charter schools, corporal punishment would no longer be outlawed.

**REP. JACKSON** asked **REP. KASTEN** about the policy of schools promoting children that had not learned how to read. He referred to Exhibit 3, U.S. Sen. Joe Lieberman's article. He continued by asking what the difference would be between a charter school and a public school. **REP. KASTEN** informed the Committee he did not know the answer to that question.

**REP. JACKSON** asked **REP. KASTEN** if he would try to get the Committee more information. **REP. KASTEN** stated that he would do what he could to get them more information.

**REP. BRANAE** asked Ms. Rossignol if her children were in the public schools or being home schooled. **Ms. Rossignol** replied that her children were going to public schools at this time.

**REP. BRANAE** further asked Ms. Rossignol to give her impression of the public schools, the problems that existed and how she had dealt with it. **Ms. Rossignol** stated that when they had problems with the one school they had moved their children to a different school and had been charged \$2,500 for tuition, as their children were not from that district. She went on to explain that the main problem they had with the public school system was the math program that had been developed in Missoula.

**REP. BRANAE** asked Ms. Rossignol how much she had tried to work with the school district before she started to home school her children. **Ms. Rossignol** answered that she had dealt with the school, the school district and the school board and had not found any satisfaction.

**REP. BRANAE** asked Ms. Rossignol if the other school she had placed her child in was okay other than the tuition cost. **Ms. Rossignol** replied that it had been.

**REP. BALLANTYNE** asked **REP. KASTEN** in reference to the "No Child Left Behind" concept, "Who would provide testing for the children in charter schools?" **REP. KASTEN** responded that he could not answer the question.

**REP. BALLANTYNE** asked **REP. KASTEN** if the children in charter schools took tests that followed the same standards as those taken by students in the public schools. **REP. KASTEN** stated that he assumed they would.

**REP. BALLANTYNE** asked **REP. KASTEN** if a child was being left behind what entity would be responsible for getting that child's education up to speed. **REP. KASTEN** answered that it would be the parents and they would have to look at the right options to take to do so.

**Closing by Sponsor:**

**REP. KASTEN** stated he was leaving the bill in the hands of the Committee as he felt the Education Committee knew more about the issues than he did. He went on to say that he would like the

Committee to consider the bill in a favorable light. **REP. KASTEN** explained that the reason the bill was presented at this time was because he was looking for alternatives in education that would provide good educations for the children of the State, but would cost less to operate.

*{Tape: 2; Side: A; Approx. Time Counter: 0 - 21.3}*

HEARING ON HB 685

Sponsor: **REP. SCOTT MENDENHALL, HD 39, Cardwell**

Opening Statement by Sponsor:

**REP. MENDENHALL** stated that HB 685 was a bill that would allow a school district to count students in a residential treatment center in that district's Average Number Belonging (ANB) count.

**REP. MENDENHALL** informed the Committee that there were amendments to the bill. He provided a copy of the amendments to the Committee for their consideration, attached as Exhibit 8. **REP. MENDENHALL** explained to the Committee what the amendments would do.

**EXHIBIT (edh39a08)**

**REP. MENDENHALL** informed the Committee that the bill specifically was aimed at AYA (Alternative Youth Adventures) in Boulder. He commented on the program at AYA and how it benefitted both Jefferson County High School and the AYA program. He went on to explain that passage of HB 685 would provide the mechanism for ANB funds to be provided to educate the children at AYA. He reminded the Committee that through the "No Child Left Behind Act," the state was required to provide every child access to an education. He asked the Committee to look favorably on the bill.

*{Tape: 2; Side: A; Approx. Time Counter: 21.3 - 28.3}*

Proponents' Testimony:

**Kim Gardner, Administrator, Alternative Youth Adventures (AYA)**, explained to the Committee that AYA was a licensed Child Care Agency and was also licensed as a Mental Health Center. She informed the Committee that the children at AYA were placed in the facility because of behavioral problems, in most cases, by the court system. **Ms. Gardner** went on to say the reason for teaching the students on campus was that their behavioral problems precluded them from attending regular school classes. **Ms. Gardner** stated that AYA was in need of funding to provide a

proper education for the youth on their campus. She continued, saying that all of the teachers at AYA were certified teachers. **Ms. Gardner** reiterated that Jefferson County High School was responsible for the education of the students, and as such, if the bill were passed they would be able to receive ANB funds for that education, which could then be passed along to AYA for the students attending school on the AYA campus. **Ms. Gardner** urged the Committee to pass HB 685.

**Jeff Weldon, Chief Legal Counsel, Office of Public Instruction (OPI)**, stated that the Superintendent of Public Instruction supported HB 685 with their proposed amendments. Mr. Weldon provided a copy of the Amendments to the Committee, attached as Exhibit 9. He then proceeded to explain the Amendments. **Mr. Weldon** talked about OPI's concerns. Those concerns being finance, enrollment application, quality assurance, certified teachers and that the facility would need to be accredited. He explained that at present there was no category that AYA fit into that would allow them to be accredited. What AYA was hoping for was that the Board of Education would develop an alternative area of accreditation that they would fit into.

**EXHIBIT (edh39a09)**

**Lance Melton, Montana School Boards Association (MSBA)**, stated that although MSBA was standing in support of HB 685 they felt there were several significant problem areas. He went on to say that he supported the amendments offered by OPI and the sponsor. **Mr. Melton** referred the Committee to Subsection(2) and (5) of the bill and explained his concerns. He then went on to say that he would ask the Committee to consider, when addressing the bill, the difference between where the district is offering some, but not all, of the services and the treatment center is offering some, but not all, of the services.

**Rayelynn Connole, Program Director, Alternative Youth Adventures (AYA)**, explained the learning environment provided by AYA. She went on to inform the Committee the reason for the children being placed in the facility and their remedial needs.

**{Tape: 2; Side: B; Approx. Time Counter: 0 - 25.4}**

**Ms. Connole** commented on the classroom environment provided and how it helped the youth. She pointed out that most of the kids at the facility had the feeling that school was a place where they would be harmed, where people would not like them, and no one cared about them. **Ms. Connole** urged the Committee to support HB 685.

**Gary Pace, Jefferson County Superintendent of Schools**, informed the Committee that in most cases AYA was the last chance for the kids placed there. He continued that he felt it was a good program and he would be willing to work with the program.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

**REP. GIBSON** asked Ms. Connole who would get the money, the high school or the treatment center. **Ms. Connole** stated that AYA would contract with the school, therefore, the school would receive the ANB funds and funnel them to AYA.

**REP. BALLANTYNE** asked Mr. Weldon how long it would take for AYA to become accredited or certified. **Mr. Weldon** deferred to Al McMilin, Accreditation Specialist, OPI for an answer. **Mr. McMilin** stated that there was no set time. He went on to say that it would take, at least, several months.

**REP. BALLANTYNE** asked Mr. McMilin how many school districts would be impacted by HB 685 if it were to be passed. **Mr. McMilin** stated that he could not answer the question.

**REP. BALLANTYNE** asked Roy Kemp, Bureau Chief, Licensure Bureau, Department of Public Health and Human Services, how many school districts would be impacted by the bill. **Mr. Kemp** stated that there were two child care agencies that would qualify under HB 685.

**REP. JACKSON** asked Mr. Weldon how old the kids were at AYA and where had they come from. **Mr. Weldon** answered that he did not know the student population or the ages.

**REP. JACKSON** asked Mr. Weldon if all the kids at AYA would be attached to the Jefferson County School District. **Mr. Weldon** stated that under current law, if a child was placed in a district by way of a Court order, the district would be able to collect tuition from the resident district. He went on to say that it was a complicated system. He continued by saying that there would be some tuition support from the resident district. **Mr. Weldon** explained that HB 685 would allow the school to get additional state support by way of ANB.

**REP. JACKSON** asked Ms. Gardner how old the kids were at AYA. **Ms. Gardner** replied that the kids were from 13 to 18 years of age

with an average age of 15. She continued that there were more boys than girls. **Ms. Gardner** stated that they saw themselves as a program that served Montana kids.

**REP. JACKSON** asked Mr. Weldon if there was a possibility of accrediting the school and the money going directly to the school rather than being funneled through Jefferson County High School. **Mr. Weldon** replied that the money had to be channeled through an existing school.

**REP. JACKSON** asked Mr. Weldon how difficult it would be to change to law so that a private school could receive funds directly from OPI. **Mr. Weldon** stated that there was a Constitutional prohibition against private schools receiving State funds. He went on to say that it would take a Constitutional Amendment to allow it to be done.

**REP. LEHMAN** asked Ms. Gardner what AYA stood for. **Ms. Gardner** responded that it stood for Alternative Youth Adventures.

**REP. LEHMAN** asked Ms. Gardner to explain the setup of the AYA campus. **Ms. Gardner** explained the layout of the campus in Boulder, where the buildings were located and how they had obtained the buildings.

**REP. LEHMAN** asked Ms. Gardner if AYA was registered as a for-profit corporation. **Ms. Gardner** answered that they were registered as a for-profit corporation. She went on to say that they were in the process of converting to a nonprofit corporation.

**REP. LEHMAN** asked Ms. Gardner if they had considered approaching the Judiciary or Department of Corrections for funding. **Ms. Gardner** that they had, but there were no longer funds available for education.

**REP. GIBSON** asked Ms. Gardner if a student improved, if they could be phased into the regular school setting. **Ms. Gardner** replied that on occasion they had children that had been able to attend Jefferson County High School.

**CHAIRMAN ANDERSEN** asked Ms. Gardner approximately how long they had a student. **Ms. Gardner** responded anywhere from 5 to 18 months depending on the program the student was in.

**CHAIRMAN ANDERSEN** asked Ms. Gardner if the children in the intensive therapy group received their education on campus. **Ms. Gardner** stated that they did.

**CHAIRMAN ANDERSEN** asked Ms. Gardner to explain who paid for the students that came from out of state. **Ms. Gardner** stated that they received funds from the placing agency.

**REP. SCHRUMPF** asked **REP. MENDENHALL** in what capacity he served the school, and if he was connected with the school in any way.

**REP. MENDENHALL** replied that he was the manager of the local development organization that had put together the financing package, managed the construction project and created the entity for AYA.

**REP. SCHRUMPF** asked **REP. MENDENHALL** how long the school had been in existence. **REP. MENDENHALL** stated that it had been in Boulder since the mid 1990's in one fashion or another.

*{Tape: 3; Side: A; Approx. Time Counter: 0 - 27.1}*

**REP. GALVIN-HALCRO** asked **REP. MENDENHALL** to explain the purpose for the sunset date on the bill. **REP. MENDENHALL** stated that the intent of the legislation was to solve a short-term problem. It would allow time for AYA to work with OPI to create an accreditation standard which would lead to a longer-term solution.

**REP. GALVIN-HALCRO** asked **REP. MENDENHALL** if the funding would continue to route through Jefferson County High School to AYA. She went on asking if this was just allowing AYA to get itself accredited. **REP. MENDENHALL** stated that was how he understood it.

**REP. GALVIN-HALCRO** asked **REP. MENDENHALL** how he felt about the OPI amendment without a sunset clause. **REP. MENDENHALL** stated he felt OPI's amendments were friendly and he would continue to work with them.

**REP. LEHMAN** asked **REP. MENDENHALL** if there should have been a fiscal note. **REP. MENDENHALL** deferred to Jeff Weldon for an answer. **Mr. Weldon** stated that a fiscal note had been requested. He went on to say that the draft fiscal note indicated that it would cost the State \$281,000 based on an assumption that they were only talking about one school district with a capacity of 48 students.

**REP. LEHMAN** asked Mr. Weldon whether or not the fiscal note went with the bill as written with the sunset provision. **Mr. Weldon** replied that it did.

**REP. GALVIN-HALCRO** asked Mr. Weldon why the fiscal note would not be a wash as the students in question really belonged in another school district, and if they were students that could be served in a traditional setting. **Mr. Weldon** replied that it was because they were not counted in any other school district on the count days.

**CHAIRMAN ANDERSEN** asked Mr. Weldon where the students had been when the count had been taken, that they had not been counted. **Mr. Weldon** replied that the students had been at AYA. **Mr. Weldon** went on to explain that what he had suggested was that the bill be retroactive to the previous year, so that they would be able to include the students at AYA in the student count for Jefferson County High School, to provide sufficient funding.

**CHAIRMAN ANDERSEN** asked Ms. Gardner if 65 students was AYA's maximum capacity. **Ms. Gardner** replied that was their maximum capacity.

**CHAIRMAN ANDERSEN** asked Ms. Gardner if they normally operated at capacity. **Ms. Gardner** answered that until July of 2002 they had a long waiting list, but due to the massive cuts in probation placement and dollars available from Mental Health Services for Children they had received a serious decrease in enrollment.

**CHAIRMAN ANDERSEN** asked Ms. Gardner if they received funding if they would anticipate enrollment to increase. **Ms. Gardner** answered that she did not feel that the bill would increase their enrollment but that it would help.

**Closing by Sponsor:**

**REP. MENDENHALL** stated that current law required the local school district to educate the kids at AYA. He went on to say that although the kids at AYA were not counted last year, they were still Montana kids, and as such it was required that they get an education. **REP. MENDENHALL** explained that they were in a situation where the local school district did not want to have to teach the kids. On the other hand they also did not want to have to send teachers to the facility to teach the kids either. This bill would allow a solution for the problem for the short-term. **REP. MENDENHALL** went on to say that AYA received the kids sent to them by the youth courts and due to the rules were pursuing and wanted to be accredited, but as yet there was not category for them to become accredited under. This bill would allow a process for them to work with OPI to get accredited.

**REP. MENDENHALL** stated the bill would solve a lot of problems and asked the Committee to support it.

*{Tape: 3; Side: B; Approx. Time Counter: 0 - 11.5}*

**EXECUTIVE ACTION ON SB 96**

**Motion:** **REP. GALVIN-HALCRO** moved that SB 96 BE CONCURRED IN AS AMENDED. (Executive Action on this bill was begun on 2/19/03)

**REP. GALVIN-HALCRO** stated that she had reconsidered her amendment to SB 96.

**Motion/Vote:** **REP. GALVIN-HALCRO** moved TO REMOVE THE AMENDMENT TO SB 96. Motion carried 14-0 by voice vote with REPS. FRITZ and BRANAE voting by proxy.

**Motion:** **REP. GALVIN-HALCRO** moved that SB 96 BE AMENDED.

**EXHIBIT** (edh39a10)

**Discussion:**

**REP. GALVIN-HALCRO** explained her amendments to the Committee, attached as Exhibit 10.

**REP. WAGMAN** asked **REP. GALVIN-HALCRO** if the amendment would change the funding formula. **REP. GALVIN-HALCRO** stated that it would not.

**Vote:** Motion carried 14-0 by voice vote with REPS. FRITZ and BRANAE voting by proxy.

**Discussion:**

**REP. WAGMAN** spoke to the bill as amended. He talked about current law and the number of days and hours required by law for students to go to school. He went on to say that present requirements did not leave any room for flexibility. **REP. WAGMAN** stated SB 96 left everything wide open, stating that the schools would be able to teach a certain number of hours as long as those hours were taught anytime between July 1 and June 30. **REP. WAGMAN** continued by saying that passage of the bill would give school districts, teachers and parents the opportunity to decide what they wanted the school year and day to look like. **REP. WAGMAN** went on to talk about options that would be available

under SB 96. He further commented that the bill provided all of the flexibility anyone could dream of.

***{Tape: 3; Side: B; Approx. Time Counter: 11.5 - 27}***

**REP. WAGMAN** provided the Committee with a handout on four sections of Title 39, attached as Exhibit 11. He proceeded to explain the information related on those four sections and how they impacted SB 96. **REP. WAGMAN** commented on the problems that the Union and Management had with the bill. He directed the Committee's attention to Page 2, Section 2, Lines 15 -20 of SB 96 and informed them that this was where the problem was.

**EXHIBIT** (edh39a11)

**Motion:** **REP. WAGMAN** moved TO STRIKE LINES 15 THROUGH 20 ON PAGE 2 OF SB 96.

**Discussion:**

**REP. WAGMAN** stated that what he was striking was Senate language and that they would not like it. He went on to say that he believed in the bill, and that he believed in the concept. He continued by saying that what he was attempting to do was to keep the playing field level.

**REP. BALLANTYNE** asked Mr. Melton to respond to the proposed amendment to SB 96. **Mr. Melton** replied that his organization would prefer that the language not be stricken, but possibly modified.

**REP. LEHMAN** asked if there was not already language in most school district negotiation agreements that the staff would have input in the school calendar. **Mr. Melton** stated that he was correct.

**REP. LEHMAN** asked **REP. WAGMAN** if what he was concerned about was that there was no choice on the part of management as to whether or not they would negotiate the school calendar. **REP. WAGMAN** answered that it would depend on each individual district.

**REP. JACKSON** commented that in order to make change there was a need for flexibility. He went on to say that without flexibility changes could not be made.

**Vote:** Motion failed 5-9 by roll call vote with **REPS. JACKSON, MCKENNEY, LAKE, WAGMAN** and **SCHRUMPF** voting aye with **REPS. BRANAE** and **BIXBY** voting no by proxy.

**REP. LAWSON** stated that he had some concerns with SB 96. He went on to say that he seriously questioned that SB 96 would cut any costs. He remarked that he was not sure that this was the time to implement a plan such as suggested in SB 96.

*{Tape: 4; Side: A; Approx. Time Counter: 0 - 28.1}*

**REP. LEHMAN** remarked that the overriding factor of the bill was that it was truly an option that was left to the local Board of Trustees. He went on to say, that he felt that the local Board of Trustees would always have the best interests of their school districts in mind when making decisions. **REP. LEHMAN** stated that he felt SB 96 was a good bill and would provide needed flexibility.

**REP. BALLANTYNE** commented that he could see ways in which having a four-day school week would save school districts money.

**REP. GIBSON** stated that she had concerns regarding SB 96. She went on to say, that if all they were concerned about was saving money, and not the education of the children, they would be making a terrible mistake.

**REP. JACKSON** spoke in favor of SB 96. He explained that he felt there should be more local control and less state regulations which stifle creativity in the schools.

**CHAIRMAN ANDERSEN** stated that she had a lot of problems with the bill. She went on to express her concern of adding time to the school day for the lower grades. She continued by saying that school districts already had flexibility. **CHAIRMAN ANDERSEN** commented that she did not feel that HB 96 would benefit the children.

**Vote:** Motion that SB 96 BE CONCURRED IN AS AMENDED failed 7-7 by roll call vote with REPS. LEHMAN, JACKSON, MCKENNEY, BALLANTYNE, SCHRUMPF, FRITZ and LAWSON voting aye with REP. FRITZ voting aye by proxy.

**Motion/Vote:** REP. GALVIN-HALCRO moved that SB 96 BE TABLED. Motion carried 12-2 by voice vote with REPS. JACKSON and WAGMAN voting no.

*{Tape: 4; Side: B; Approx. Time Counter: 0 - 10.5}*

**ADJOURNMENT**

Adjournment: 6:26 A.M.

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REP. JOAN ANDERSEN, Chairman

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MARI PREWETT, Secretary

JA/MP

**EXHIBIT** (edh39aad)